

Initiative Initiative

LONG TITLE

This initiative shall be known as the Initiative Initiative

General Description:

This initiative amends provisions in Title 20A, Election Code.

Highlighted Provisions:

This bill:

- ☐ Clarifies that electronic signatures are not prohibited for:

Referenda;

Citizen Initiated Legislation;

Qualifying a candidate for the ballot;

Petitions to organize and register a political party

- ☐ Sets reasonable times for collection, verification, and certification of signatures for initiative and referenda.

- ☐ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None.

Utah Code Sections Affected:

AMENDS:

AMENDS:

20A-1-306,

20A-7-101,

20A-7-101

20A-7-202

20A-7-205

20A-7-206

20A-7-206.3

20A-7-207

20A-7-305

20A-7-306

20A-7-306.3

20A-7-307,

20A-7-505,

20A-7-506,

20A-7-506.3,

20A-7-507,

20A-7-601,

20A-7-605,

20A-7-606,

20A-7-606.3,

20A-8-103,

20A-9-203,

20A-9-404,

20A-9-502,

20A-11-103,

ENACTS:

REPEALS:

INTENT STATEMENT:

The intent of this law is to allow the citizens of Utah to use the Initiative, Referendum, and Ballot Access process within reasonable time and number restrictions, including the use of electronic signatures to qualify those petitions.

Be it enacted by the People of the State of Utah:

Section 1. Section **20A-1-306** is amended to read:

20A-1-306. Electronic signatures not prohibited.

~~[Notwithstanding Title 46, Chapter 4, Uniform Electronic Transactions Act, and Subsections 68-3-12(1)(e) and 68-3-12.5(24) and (33), a]~~ An electronic signature may not be used to sign a petition to:

(1) qualify a ballot proposition for the ballot under Chapter 7, Issues Submitted to the Voters;

(2) organize and register a political party under Chapter 8, Political Party Formation and Procedures; or

(3) qualify a candidate for the ballot under Chapter 9, Candidate Qualifications and Nominating Procedures.

Section 2. Section **20A-7-101** is amended to read:

20A-7-101. Definitions.

As used in this chapter:

(1) "Budget officer" means:

(a) for a county, the person designated as budget officer in Section 17-19-19;

(b) for a city, the person designated as budget officer in Subsection 10-6-106(5); or

(c) for a town, the town council.

(2) "Certified" means that the county clerk has acknowledged a signature as being the signature of a registered voter.

(3) "Circulation" means the process of submitting an initiative or referendum petition to legal voters for their signature.

(4) "Final fiscal impact statement" means a financial statement prepared after voters approve an initiative that contains the information required by Subsection 20A-7-202.5(2) or 20A-7-502.5(2).

(5) "Initial fiscal impact estimate" means a financial statement prepared according to the terms of Section 20A-7-202.5 or 20A-7-502.5 after the filing of an application for an initiative petition.

(6) "Initiative" means a new law proposed for adoption by the public as provided in this chapter.

(7) "Initiative packet" means a copy of the initiative petition, a copy of the proposed law, and the signature sheets, all of which have been bound together as a unit.

(8) "Legal signatures" means the number of signatures of legal voters that:

(a) meet the numerical requirements of this chapter; and

(b) have been certified and verified as provided in this chapter.

(9) "Legal voter" means a person who:

(a) is registered to vote; or

(b) becomes registered to vote before the county clerk certifies the signatures on an initiative or referendum petition.

(10) "Local attorney" means the county attorney, city attorney, or town attorney in whose jurisdiction a local initiative or referendum petition is circulated.

(11) "Local clerk" means the county clerk, city recorder, or town clerk in whose jurisdiction a local initiative or referendum petition is circulated.

(12) (a) "Local law" includes an ordinance, resolution, master plan, and any comprehensive zoning regulation adopted by ordinance or resolution.

(b) "Local law" does not include an individual property zoning decision.

(13) "Local legislative body" means the legislative body of a county, city, or town.

(14) "Measure" means a proposed constitutional amendment, an initiative, or referendum.

(15) "Referendum" means a process by which a law passed by the Legislature or by a local legislative body is submitted or referred to the voters for their approval or rejection.

(16) "Referendum packet" means a copy of the referendum petition, a copy of the law being submitted or referred to the voters for their approval or rejection, and the signature sheets, all of which have been bound together as a unit.

~~[(17) (a) "Signature" means a holographic signature.]~~

~~[(b) "Signature" does not mean an electronic signature.]~~

~~[(18)] (17)~~ "Signature sheets" means sheets in the form required by this chapter that are used to collect signatures in support of an initiative or referendum.

~~[(19)] (18)~~ "Sponsors" means the legal voters who support the initiative or referendum and who sign the application for petition copies.

~~[(20)] (19)~~ "Sufficient" means that the signatures submitted in support of an initiative or referendum petition have been certified and verified as required by this chapter.

~~[(21)] (20)~~ "Verified" means acknowledged by the person circulating the petition as required in Sections 20A-7-205 and 20A-7-305.

Section 3. Section **20A-7-202** is amended to read:

20A-7-202. Statewide initiative process -- Application procedures -- Time to gather signatures -- Grounds for rejection.

(1) Persons wishing to circulate an initiative petition shall file an application with the lieutenant governor.

(2) The application shall contain:

- (a) the name and residence address of at least five sponsors of the initiative petition;
- (b) a statement indicating that each of the sponsors:
 - (i) is a resident of Utah; and
 - (ii) has voted in a regular general election in Utah within the last three years;
- (c) the signature of each of the sponsors, attested to by a notary public;
- (d) a copy of the proposed law that includes:
 - (i) the title of the proposed law, which clearly expresses the subject of the law; and
 - (ii) the text of the proposed law; and
- (e) a statement indicating whether or not persons gathering signatures for the petition may be paid for doing so.

(3) The application and its contents are public when filed with the lieutenant governor.

(4) (a) The sponsors shall qualify the petition for the regular general election ballot no later than one year after the application is filed.

~~[(4)] (b)~~ If the petition fails to qualify for the ballot of the election described in Subsection 20A-7-201(2)(b), the sponsors must:

~~[(a)]~~ (i) submit a new application;

~~[(b)]~~ (ii) obtain new signature sheets; and

~~[(c)]~~ (iii) collect signatures again.

(5) The lieutenant governor shall reject the application and not issue circulation sheets if:

(a) the law proposed by the initiative is patently unconstitutional;

(b) the law proposed by the initiative is nonsensical;

(c) the proposed law could not become law if passed;

(d) the law contains more than one subject;

(e) the subject of the law is not clearly expressed in the law's title.~~[-or]~~

~~[(f) the law proposed by the initiative is identical or substantially similar to a law proposed by an initiative that was submitted to the county clerks and lieutenant governor for certification and evaluation within two years preceding the date on which the application for this initiative was filed.]~~

Section 4. Section 20A-7-205 is amended to read:

20A-7-205. Obtaining signatures -- Verification -- Removal of signature.

(1) A Utah voter may sign an initiative petition if the voter is a legal voter.

(2) (a) The sponsors shall ensure that the person in whose presence each signature sheet was signed:

(i) is at least 18 years old and meets the residency requirements of Section 20A-2-105; and

(ii) verifies each signature sheet by completing the verification printed on the last page of each initiative packet.

~~[(b) A person may not sign the verification printed on the last page of the initiative packet if the person signed a signature sheet in the initiative packet.]~~

(3) (a) A voter who has signed an initiative petition may have the voter's signature removed from the petition by submitting to the county clerk a statement requesting that the voter's signature be removed.

(b) The statement shall include:

(i) the name of the voter;

(ii) the resident address at which the voter is registered to vote;

(iii) the last four digits of the voter's Social Security number;

(iv) the driver license or identification card number; and

(v) the signature of the voter.

(c) A voter may not submit a statement by email or other electronic means.

(d) In order for the signature to be removed, the statement must be received by the county clerk before May 15.

(e) The county clerk shall deliver all statements received under this Subsection (3):

(i) with the initiative petition packets delivered to the lieutenant governor; or

(ii) in a supplemental delivery to the lieutenant governor for a statement submitted after the county clerk delivered the initiative packets.

(f) A person may only remove a signature from an initiative petition in accordance with this Subsection (3).

Section 5 Section 20A-7-206 is amended to read:

20A-7-206. Submitting the initiative petition -- Certification of signatures by the county clerks -- Transfer to lieutenant governor.

(1) (a) In order to qualify an initiative petition for placement on the regular general election ballot, the sponsors shall deliver each signed and verified initiative packet to the county clerk of the county in which the packet was circulated on or before ~~the~~ sooner of:

~~[(i) 316 days after the day on which the application is filed; or]~~

~~[(ii)]~~ the ~~[April]~~ May 15 immediately before the next regular general election immediately after the application is filed under Section 20A-7-202.

(b) A sponsor may not submit an initiative packet after the deadline established in this Subsection (1).

(2) (a) No later than ~~May~~ June 1 before the regular general election, the county clerk shall:

(i) check the names of all persons completing the verification for the initiative packet to determine whether those persons are residents of Utah and are at least 18 years old; and

(ii) submit the name of each of those persons who is not a Utah resident or who is not at least 18 years old to the attorney general and county attorney.

~~[(b) The county clerk may not certify a signature under Subsection (3) on an initiative packet that is not verified in accordance with Section 20A-7-205.]~~

(3) No later than May 15 before the regular general election, the county clerk shall:

(a) determine whether each signer is a registered voter according to the requirements of Section 20A-7-206.3;

(b) certify on the petition whether each name is that of a registered voter; and

(c) deliver all of the ~~[verified initiative]~~ packets to the lieutenant governor.

(4) Upon receipt of an initiative packet under Subsection (3) and any statement submitted under Subsection 20A-7-205(3), the lieutenant governor shall remove from the initiative petition a voter's signature if the voter has requested the removal in accordance with Subsection 20A-7-205(3).

(5) In order to qualify an initiative petition for submission to the Legislature, the sponsors shall deliver each signed and verified initiative packet to the county clerk of the county in which the packet was circulated by the November 15 before the next annual general session of the Legislature immediately after the application is filed under Section 20A-7-202.

(6) (a) No later than December 1 before the annual general session of the Legislature, the county clerk shall:

(i) check the names of all persons completing the verification for the initiative packet to determine whether ~~[or not]~~ those persons are Utah residents and are at least 18 years old; and

(ii) submit the name of each of those persons who is not a Utah resident or who is not at least 18 years old to the attorney general and county attorney.

~~[(b) The county clerk may not certify a signature under Subsection (7) on an initiative packet that is not verified in accordance with Section 20A-7-205.]~~

(7) No later than December 15 before the annual general session of the Legislature, the county clerk shall:

(a) determine whether each signer is a registered voter according to the

requirements of Section 20A-7-206.3;

(b) certify on the petition whether each name is that of a registered voter; and

(c) deliver all of the ~~[verified initiative]~~ packets to the lieutenant governor.

(8) Initiative packets are public once they are delivered to the county clerks.

(9) The sponsor or their representatives may not retrieve initiative packets from the county clerks once they have submitted them.

Section 6. Section **20A-7-206.3** is amended to read:

20A-7-206.3. Verification of petition signatures.

(1) (a) For the purposes of this section, "substantially similar name" means:

(i) the given name and surname shown on the petition, or both, contain only minor spelling differences when compared to the given name and surname shown on the official register;

(ii) the surname shown on the petition exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is a commonly used abbreviation or variation of the other;

(iii) the surname shown on the petition exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is accompanied by a first or middle initial or a middle name which is not shown on the other record; or

(iv) the surname shown on the petition exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is an alphabetically corresponding initial that has been provided in the place of a given name shown on the other record.

(b) For the purposes of this section, "substantially similar name" does not mean a name having an initial or a middle name shown on the petition that does not match a different initial or middle name shown on the official register.

(2) The county clerk shall use the following procedures in determining whether or not a signer is a registered voter:

(a) When a signer's name and address shown on the petition exactly match a name and address shown on the official register ~~[and the signer's signature appears substantially similar to the signature on the statewide voter registration database,]~~ the county clerk shall declare the signature valid.

(b) When there is no exact match of an address and a name, the county clerk shall declare the signature valid if:

(i) the address on the petition matches the address of a person on the official register

with a substantially similar name.~~[-and]~~

~~[(ii) the signer's signature appears substantially similar to the signature on the statewide voter registration database of the person described in Subsection (2)(b)(i).]~~

(c) When there is no match of an address and a substantially similar name, the county clerk shall declare the signature valid if:

(i) the birth date or age on the petition matches the birth date or age of a person on the official register with a substantially similar name.~~[-and]~~

~~[(ii) the signer's signature appears substantially similar to the signature on the statewide voter registration database of the person described in Subsection (2)(c)(i).]~~

(d) If a signature is not declared valid under Subsection (2)(a), (2)(b), or (2)(c), the county clerk shall declare the signature to be invalid.

Section 7. Section **20A-7-207** is amended to read:

20A-7-207. Evaluation by the lieutenant governor.

(1) When each initiative packet is received from a county clerk, the lieutenant governor shall check off from the record the number of each initiative packet filed.

(2) (a) After all of the initiative packets have been received by the lieutenant governor and the lieutenant governor has removed the signatures as required by Section 20A-7-206, the lieutenant governor shall:

(i) count the number of the names certified by the county clerks that remain on each verified signature sheet; and

(ii) declare the petition to be sufficient or insufficient by June 1 before the regular general election described in Subsection 20A-7-201(2)(b).

(b) If the total number of names counted under Subsection (2)(a)(i) equals or exceeds the number of names required by Section 20A-7-201 ~~[and the requirements of this part are met,]~~ the lieutenant governor shall mark upon the front of the petition the word "sufficient."

(c) If the total number of names counted under Subsection (2)(a)(i) does not equal or exceed the number of names required by Section 20A-7-201 ~~[or a requirement of this part is not met,]~~ the lieutenant governor shall mark upon the front of the petition the word "insufficient."

(d) The lieutenant governor shall immediately notify any one of the sponsors of the lieutenant governor's finding.

(3) Once a petition is declared insufficient, the sponsors may not submit additional signatures to qualify the petition for the ballot.

(4) (a) If the lieutenant governor refuses to accept and file any initiative petition that a sponsor believes is legally sufficient, any voter may, by June 15, apply to the supreme court for an extraordinary writ to compel the lieutenant governor to do so.

(b) The supreme court shall:

(i) determine whether or not the initiative petition is legally sufficient; and

(ii) certify its findings to the lieutenant governor.

(c) If the supreme court certifies that the initiative petition is legally sufficient, the lieutenant governor shall file it, with a verified copy of the judgment attached to it, as of the date on which it was originally offered for filing in the lieutenant governor's office.

(d) If the supreme court determines that any petition filed is not legally sufficient, the supreme court may enjoin the lieutenant governor and all other officers from certifying or printing the ballot title and numbers of that measure on the official ballot.

(5) A petition determined to be sufficient in accordance with this section is qualified for the ballot.

Section 8. Section 20A-7-305 is amended to read:

20A-7-305. Obtaining signatures -- Verification -- Removal of signature.

(1) A Utah voter may sign a referendum petition if the voter is a legal voter.

(2) (a) The sponsors shall ensure that the person in whose presence each signature sheet was signed:

(i) is at least 18 years old and meets the residency requirements of Section 20A-2-105; and

(ii) verifies each signature sheet by completing the verification printed on the last page of each referendum packet.

~~[(b) A person may not sign the verification printed on the last page of the referendum packet if the person signed a signature sheet in the referendum packet.]~~

(3) (a) (i) A voter who has signed a referendum petition may have the voter's signature removed from the petition by submitting to the county clerk a statement requesting that the voter's signature be removed.

(b) The statement shall include:

(i) the name of the voter;

(ii) the resident address at which the voter is registered to vote;

(iii) the last four digits of the voter's Social Security number;

(iv) the driver license or identification card number; and

(v) the signature of the voter.

(c) A voter may not submit a statement by email or other electronic means.

(d) In order for the signature to be removed, the statement must be received by the county clerk before the day which is 55 days after the end of the legislative session at which the

984 law passed.

985 (e) The county clerk shall deliver all statements received under this Subsection (3):

986 (i) with the referendum petition packets to the lieutenant governor; or

987 (ii) in a supplemental delivery to the lieutenant governor for a statement submitted
988 after the county clerk delivered the referendum petition packets.

989 (f) A person may only remove a signature from a referendum petition in accordance
990 with this Subsection (3).

991 Section 9. Section 20A-7-306 is amended to read:

992 **20A-7-306. Submitting the referendum petition -- Certification of signatures by**
993 **the county clerks -- Transfer to lieutenant governor.**

994 (1) (a) No later than [40] 60 days after the end of the legislative session at which the law
995 passed, the sponsors shall deliver each signed and verified referendum packet to the county
996 clerk of the county in which the packet was circulated.

997 (b) A sponsor may not submit a referendum packet after the deadline established in this
998 Subsection (1).

999 (2) (a) No later than [55] 75 days after the end of the legislative session at which the law
1000 passed, the county clerk shall:

1001 (i) check the names of all persons completing the verification on the last
1002 page of each referendum packet to determine whether or not those persons are
1003 Utah residents and are at least 18 years old; and

1004 (ii) submit the name of each of those persons who is not a Utah resident or who is
1005 not at least 18 years old to the attorney general and county attorney.

1006 ~~[(b) The county clerk may not certify a signature under Subsection (3) on a referendum~~
1007 ~~packet that is not verified in accordance with Section 20A-7-305.]~~

1008 (3) No later than 55 days after the end of the legislative session at which the law
1009 passed, the county clerk shall:

1010 (a) determine whether each signer is a registered voter according to the
1011 requirements of Section 20A-7-306.3;

1012 (b) certify on the referendum petition whether each name is that of a registered
1013 voter; and

1014 (c) deliver all of the [verified] referendum packets to the lieutenant governor.

1015 (4) Upon receipt of a referendum packet under Subsection (3) and any statement
1016 submitted under Subsection 20A-7-305(3), the lieutenant governor shall remove from the
1017 referendum petition a voter's signature if the voter has requested the removal in accordance
1018 with Subsection 20A-7-305(3).

Section 10. Section **20A-7-306.3** is amended to read:

20A-7-306.3. Verification of petition signatures.

(1) (a) For the purposes of this section, "substantially similar name" means:

(i) the given name and surname shown on the petition, or both, contain only minor spelling differences when compared to the given name and surname shown on the official register;

(ii) the surname shown on the petition exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is a commonly used abbreviation or variation of the other;

(iii) the surname shown on the petition exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is accompanied by a first or middle initial or a middle name which is not shown on the other record; or

(iv) the surname shown on the petition exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is an alphabetically corresponding initial that has been provided in the place of a given name shown on the other record.

(b) For the purposes of this section, "substantially similar name" does not mean a name having an initial or a middle name shown on the petition that does not match a different initial or middle name shown on the official register.

(2) The county clerk shall use the following procedures in determining whether or not a signer is a registered voter:

(a) When a signer's name and address shown on the petition exactly match a name and address shown on the official register [~~and the signer's signature appears substantially similar to the signature on the statewide voter registration database,~~] the county clerk shall declare the signature valid.

(b) When there is no exact match of an address and a name, the county clerk shall declare the signature valid if:

(i) the address on the petition matches the address of a person on the official register with a substantially similar name; and

~~[(ii) the signer's signature appears substantially similar to the signature on the statewide voter registration database of the person described in Subsection (2)(b)(i).]~~

(c) When there is no match of an address and a substantially similar name, the county clerk shall declare the signature valid if:

(i) the birth date or age on the petition matches the birth date or age of a person on the

1054 official register with a substantially similar name; and

1055 ~~[(ii) the signer's signature appears substantially similar to the signature on the statewide~~
1056 ~~voter registration database of the person described in Subsection (2)(e)(i).]~~

1057 (d) If a signature is not declared valid under Subsection (2)(a), (b), or (c), the county
1058 clerk shall declare the signature to be invalid.

1059 Section 11. Section **20A-7-307** is amended to read:

1060 **20A-7-307. Evaluation by the lieutenant governor.**

1061 (1) When each referendum packet is received from a county clerk, the lieutenant
1062 governor shall check off from the record the number of each referendum packet filed.

1063 (2) (a) After all of the referendum packets have been received by the lieutenant
1064 governor and the lieutenant governor has removed the signatures as required by Section
1065 20A-7-306, the lieutenant governor shall:

1066 (i) count the number of the names certified by the county clerks that remain on each
1067 verified signature sheet; and

1068 (ii) declare the petition to be sufficient or insufficient no later than 60 days after the
1069 end of the legislative session at which the law passed.

1070 (b) If the total number of names counted under Subsection (2)(a)(i) equals or exceeds
1071 the number of names required by Section 20A-7-301 ~~[and the requirements of this part are met,]~~
1072 the lieutenant governor shall mark upon the front of the petition the word "sufficient."

1073 (c) If the total number of names counted under Subsection (2)(a)(i) does not equal or
1074 exceed the number of names required by Section 20A-7-301 ~~[or a requirement of this part is not~~
1075 ~~met,]~~ the lieutenant governor shall mark upon the front of the petition the word "insufficient."

1076 (d) The lieutenant governor shall immediately notify any one of the sponsors of
1077 the lieutenant governor's finding.

1078 (3) (a) If the lieutenant governor refuses to accept and file any referendum petition, any
1079 voter may apply to the supreme court for an extraordinary writ to compel the lieutenant
1080 governor to do so within 10 days after the refusal.

1081 (b) If the supreme court determines that the referendum petition is legally sufficient,
1082 the lieutenant governor shall file it, with a verified copy of the judgment attached to it, as of the
1083 date on which it was originally offered for filing in the lieutenant governor's office.

1084 (c) If the supreme court determines that any petition filed is not legally sufficient, the
1085 supreme court may enjoin the lieutenant governor and all other officers from certifying or
1086 printing the ballot title and numbers of that measure on the official ballot.

1087

1088 (4) A petition determined to be sufficient in accordance with this section is qualified

1089 for the ballot.

1280 Section 12. Section **20A-7-505** is amended to read:

1281 **20A-7-505. Obtaining signatures -- Verification -- Removal of signature.**

1282 (1) Any Utah voter may sign a local initiative petition if the voter is a legal voter and
1283 resides in the local jurisdiction.

1284 (2) (a) The sponsors shall ensure that the person in whose presence each signature
1285 sheet was signed:

1286 (i) is at least 18 years old and meets the residency requirements of Section
1287 20A-2-105; and

1288 (ii) verifies each signature sheet by completing the verification printed on the
1289 back of each signature sheet.

1290 ~~[(b) A person may not sign the verification printed on the last page of the initiative~~
1291 ~~packet if the person signed a signature sheet in the initiative packet.]~~

1292 (3) (a) (i) Any voter who has signed an initiative petition may have the voter's
1293 signature removed from the petition by submitting a notarized statement to that effect to the
1294 local clerk.

1295 (ii) In order for the signature to be removed, the statement must be received by the
1296 local clerk before he delivers the petition to the county clerk to be certified.

1297 (b) Upon receipt of the statement, the local clerk shall remove the signature of the
1298 person submitting the statement from the initiative petition.

1299 (c) No one may remove signatures from an initiative petition after the petition is
1300 submitted to the county clerk to be certified.

1301 Section 13. Section **20A-7-506** is amended to read:

1302 **20A-7-506. Submitting the initiative petition -- Certification of signatures by the**
1303 **county clerks -- Transfer to local clerk.**

1304 (1) (a) The sponsors shall deliver each signed and verified initiative packet to the
1305 county clerk of the county in which the packet was circulated on or before ~~[the~~
1306 ~~sooner of:]~~

1307 (i) for county initiatives:

1308 ~~[(A) 316 days after the day on which the application is filed; or]~~

1309 ~~[(B)]~~ (A) the ~~[April]~~ May 15 immediately before the next regular general election
1310 immediately after the application is filed under Section 20A-7-502; or

1311 (ii) for municipal initiatives:

1312 ~~[(A) 316 days after the day on which the application is filed; or]~~

1313 ~~[(B)]~~ (A) the ~~[April]~~ May 15 immediately before the next municipal general election

1314 immediately after the application is filed under Section 20A-7-502.

1315 (b) A sponsor may not submit an initiative packet after the deadline established in this
1316 Subsection (1).

1317 (2) (a) No later than ~~[May]~~ June 1, the county clerk shall:

1318 (i) check the names of all persons completing the verification on the back of each
1319 signature sheet to determine whether those persons are residents of Utah and are at
1320 least 18 years old; and

1321 (ii) submit the name of each of those persons who is not a Utah resident or who is
1322 not at least 18 years old to the attorney general and county attorney.

1323 ~~[(b) The county clerk may not certify a signature under Subsection (3) on an initiative~~
1324 ~~packet that is not verified in accordance with Section 20A-7-505.]~~

1325 (3) No later than ~~[May]~~ June 15, the county clerk shall:

1326 (a) determine whether or not each signer is a voter according to the requirements of
1327 Section 20A-7-506.3;

1328 (b) certify on the petition whether or not each name is that of a voter; and

1329 (c) deliver all of the ~~[verified]~~ packets to the local clerk.

1330 Section 14. Section **20A-7-506.3** is amended to read:

1331 **20A-7-506.3. Verification of petition signatures.**

1332 (1) (a) For the purposes of this section, "substantially similar name" means:

1333 (i) the given name and surname shown on the petition, or both, contain only minor
1334 spelling differences when compared to the given name and surname shown on the official
1335 register;

1336 (ii) the surname shown on the petition exactly matches the surname shown on the
1337 official register, and the given names differ only because one of the given names shown is a
1338 commonly used abbreviation or variation of the other;

1339 (iii) the surname shown on the petition exactly matches the surname shown on the
1340 official register, and the given names differ only because one of the given names shown is
1341 accompanied by a first or middle initial or a middle name which is not shown on the other
1342 record; or

1343 (iv) the surname shown on the petition exactly matches the surname shown on the
1344 official register, and the given names differ only because one of the given names shown is an
1345 alphabetically corresponding initial that has been provided in the place of a given name shown

1346 on the other record.

1347 (b) For the purposes of this section, "substantially similar name" does not mean a name
1348 having an initial or a middle name shown on the petition that does not match a different initial
1349 or middle name shown on the official register.

1350 (2) The county clerk shall use the following procedures in determining whether or not a
1351 signer is a registered voter:

1352 (a) When a signer's name and address shown on the petition exactly match a name and
1353 address shown on the official register [~~and the signer's signature appears substantially similar to~~
1354 ~~the signature on the statewide voter registration database;~~] the county clerk shall declare the
1355 signature valid.

1356 (b) When there is no exact match of an address and a name, the county clerk shall
1357 declare the signature valid if[~~;~~]

1358 [(i)] the address on the petition matches the address of a person on the official register
1359 with a substantially similar name.~~;~~ and

1360 ~~(ii) the signer's signature appears substantially similar to the signature on the statewide~~
1361 ~~voter registration database of the person described in Subsection (2)(b)(i).]~~

1362 (c) When there is no match of an address and a substantially similar name, the county
1363 clerk shall declare the signature valid if:

1364 (i) the birth date or age on the petition matches the birth date or age of a person on the
1365 official register with a substantially similar name.~~;~~ and

1366 ~~(ii) the signer's signature appears substantially similar to the signature on the statewide~~
1367 ~~voter registration database of the person described in Subsection (2)(c)(i).]~~

1368 (d) If a signature is not declared valid under Subsection (2)(a), (2)(b), or (2)(c), the
1369 county clerk shall declare the signature to be invalid.

1370 Section 15. Section **20A-7-507** is amended to read:

1371 **20A-7-507. Evaluation by the local clerk.**

1372 (1) When each initiative packet is received from a county clerk, the local clerk shall
1373 check off from the local clerk's record the number of each initiative packet filed.

1374 (2) (a) After all of the initiative packets have been received by the local clerk, the local
1375 clerk shall count the number of the names certified by the county clerk that appear on each
1376 verified signature sheet.

1377 (b) If the total number of certified names from each verified signature sheet equals or
1378 exceeds the number of names required by Section 20A-7-501 and the requirements of this part
1379 are met, the local clerk shall mark upon the front of the petition the word "sufficient."

1380 (c) If the total number of certified names from each verified signature sheet does not

equal or exceed the number of names required by Section 20A-7-501 or a requirement of this part is not met, the local clerk shall mark upon the front of the petition the word "insufficient."

(d) The local clerk shall immediately notify any one of the sponsors of the local clerk's finding.

(3) If the local clerk finds the total number of certified signatures from each verified signature sheet to be insufficient, any sponsor may file a written demand with the local clerk for a recount of the signatures appearing on the initiative petition in the presence of any sponsor.

(4)(a) Once a petition is declared insufficient, the sponsors may not submit additional signatures to qualify the petition for the pending election [~~for the ballot.~~]

(b) If the petition is declared insufficient, the petition sponsors may submit additional signatures to qualify the petition for:

(i) the next regular general election following the pending regular general election if the petition was a county initiative petition; or

(ii) the next municipal general election if the petition was a municipal initiative petition.

(5) (a) If the local clerk refuses to accept and file any initiative petition, any voter may apply to the supreme court for an extraordinary writ to compel him to do so within 10 days after the refusal.

(b) If the supreme court determines that the initiative petition is legally sufficient, the local clerk shall file it, with a verified copy of the judgment attached to it, as of the date on which it was originally offered for filing in the local clerk's office.

(c) If the supreme court determines that any petition filed is not legally sufficient, the supreme court may enjoin the local clerk and all other officers from certifying or printing the ballot title and numbers of that measure on the official ballot.

(6) A petition determined to be sufficient in accordance with this section is qualified for the ballot.

Section 16. Section 20A-7-601 is amended to read:

20A-7-601. Referenda -- General signature requirements -- Signature requirements for land use laws -- Time requirements.

(1) Except as provided in Subsection (2), a person seeking to have a law passed by the local legislative body submitted to a vote of the people shall obtain legal signatures equal to:

(a) 10% of all the votes cast in the county, city, or town for all candidates for President of the United States at the last election at which a President of the United States was elected if the total number of votes exceeds 25,000;

1416 (b) 12-1/2% of all the votes cast in the county, city, or town for all candidates for
1417 President of the United States at the last election at which a _President of
1418 the United States was elected if the total number of votes does not exceed 25,000 but is more
1419 than 10,000;

1420 (c) 15% of all the votes cast in the county, city, or town for all candidates for
1421 President of the United States at the last election at which a _President of
1422 the United States was elected if the total number of votes does not exceed 10,000 but is more
1423 than 2,500;

1424 (d) 20% of all the votes cast in the county, city, or town for all candidates for
1425 President of the United States at the last election at which a _President of
1426 the United States was elected if the total number of votes does not exceed 2,500 but is more
1427 than 500;

1428 (e) 25% of all the votes cast in the county, city, or town for all candidates for
1429 President of the United States at the last election at which a _President of the
1430 the United States was elected if the total number of votes does not exceed 500 but is more than
1431 250; and

1432 (f) 30% of all the votes cast in the county, city, or town for all candidates for
1433 President of the United States at the last election at which a _President of
1434 the United States was elected if the total number of votes does not exceed 250.

1435 (2) (a) As used in this Subsection (2), "land use law" includes a land use development
1436 code, an annexation ordinance, and comprehensive zoning ordinances.

1437 (b) A person seeking to have a land use law passed by the local legislative body
1438 submitted to a vote of the people shall obtain legal signatures equal to:

1439 (i) in a county or in a city of the first or second class, 20% of all votes cast in the
1440 county or city for all candidates for President of the United States at the last election
1441 at which a President of the United States was elected; and

1442 (ii) in a city of the third, fourth, or fifth class or a town, 35% of all the votes cast in the
1443 city or town for all candidates for President of the United States at the last election
1444 at which a President of the United States was elected.

1445 (3) (a) Sponsors of any referendum petition challenging, under Subsection (1) or (2),
1446 any local law passed by a local legislative body shall file the petition [application] within
1447 [five] 45 days after the passage of the local law.

1448

1449 (b) When a referendum petition has been declared sufficient, the local law that is the
1450 subject of the petition does not take effect unless and until the local law is approved by a vote

1451 of the people.

1452 (4) If the referendum passes, the local law that was challenged by the referendum is
1453 repealed as of the date of the election.

1454 Section 17. Section **20A-7-605** is amended to read:

1455 **20A-7-605. Obtaining signatures -- Verification -- Removal of signature.**

1456 (1) Any Utah voter may sign a local referendum petition if the voter is a legal voter and
1457 resides in the local jurisdiction.

1458 (2) (a) The sponsors shall ensure that the person in whose presence each signature
1459 sheet was signed:

1460 (i) is at least 18 years old and meets the residency requirements of Section
1461 20A-2-105; and

1462 (ii) verifies each signature sheet by completing the verification printed on the
1463 back of each referendum packet.

1464 ~~[(b) A person may not sign the verification printed on the last page of the referendum~~
1465 ~~packet if the person signed a signature sheet in the referendum packet.]~~

1466 (3) (a) Any voter who has signed a referendum petition may have the voter's
1467 signature removed from the petition by submitting a notarized statement to that effect to the
1468 local clerk.

1469 (b) Except as provided in Subsection (3)(c), upon receipt of the statement, the local
1470 clerk shall remove the signature of the person submitting the statement from the referendum
1471 petition.

1472 (c) A local clerk may not remove signatures from a referendum petition after the
1473 petition has been submitted to the county clerk to be certified.

1474 Section 18. Section **20A-7-606** is amended to read:

1475 **20A-7-606. Submitting the referendum petition -- Certification of signatures by**
1476 **the county clerks -- Transfer to local clerk.**

1477 (1) (a) The sponsors shall deliver each signed and verified referendum packet to the
1478 county clerk of the county in which the packet was circulated:

1479 (i) for county referenda, no later than

1480 [45] (60) days after the passage of the local law;

1481 (ii) for municipal referenda, no later than

1482 [45] (60) days after the passage of the local law; or

1483 (iii) for referenda held in relation to the adoption of an ordinance imposing a
1484 county option sales and use tax under Section 59-12-1102, no later than 100 days before the
1485 election that the referendum qualifies for under Subsection 20A-7-609(2)(c).

1486 (b) A sponsor may not submit a referendum packet after the deadline established in this
1487 Subsection (1).

1488 (2) (a) No later than [60] 75 days after the local law passes, the county clerk shall:

1489 (i) check the names of all persons completing the verification on the back of each
1490 referendum packet to determine whether those persons are Utah
1491 residents and are at least 18 years old; and

1492 (ii) submit the name of each of those persons who is not a Utah resident or who is
1493 not at least 18 years old to the attorney general and county attorney.

1494 ~~[(b) The county clerk may not certify a signature under Subsection (3) on a referendum~~
1495 ~~packet that is not verified in accordance with Section 20A-7-605.]~~

1496 (3) No later than [75] 90 days after the local law passes, the county clerk shall:

1497 (a) determine whether each signer is a registered voter according to the
1498 requirements of Section 20A-7-606.3;

1499 (b) certify on the referendum petition whether each name is that of a registered
1500 voter; and

1501 (c) deliver all of the verified referendum packets to the local clerk.

1502 Section 19. Section 20A-7-606.3 is amended to read:

1503 **20A-7-606.3. Verification of petition signatures.**

1504 (1) (a) For the purposes of this section, "substantially similar name" means:

1505 (i) the given name and surname shown on the petition, or both, contain only minor
1506 spelling differences when compared to the given name and surname shown on the official
1507 register;

1508 (ii) the surname shown on the petition exactly matches the surname shown on the
1509 official register, and the given names differ only because one of the given names shown is a
1510 commonly used abbreviation or variation of the other;

1511 (iii) the surname shown on the petition exactly matches the surname shown on the
1512 official register, and the given names differ only because one of the given names shown is
1513 accompanied by a first or middle initial or a middle name which is not shown on the other
1514 record; or

1515 (iv) the surname shown on the petition exactly matches the surname shown on the
1516 official register, and the given names differ only because one of the given names shown is an
1517 alphabetically corresponding initial that has been provided in the place of a given name shown
1518 on the other record.

1519 (b) For the purposes of this section, "substantially similar name" does not mean a name
1520 having an initial or a middle name shown on the petition that does not match a different initial

1521 or middle name shown on the official register.

1522 (2) The county clerk shall use the following procedures in determining whether or not a
1523 signer is a registered voter:

1524 (a) When a signer's name and address shown on the petition exactly match a name and
1525 address shown on the official register ~~[and the signer's signature appears substantially similar to~~
1526 ~~the signature on the statewide voter registration database,]~~ the county clerk shall declare the
1527 signature valid.

1528 (b) When there is no exact match of an address and a name, the county clerk shall
1529 declare the signature valid if~~[:]~~

1530 ~~[(i)]~~ the address on the petition matches the address of a person on the official register
1531 with a substantially similar name, ~~[and]~~

1532 ~~[(ii) the signer's signature appears substantially similar to the signature on the statewide~~
1533 ~~voter registration database of the person described in Subsection (2)(b)(i).]~~

1534 (c) When there is no match of an address and a substantially similar name, the county
1535 clerk shall declare the signature valid if~~[:]~~

1536 ~~[(i)]~~ the birth date or age on the petition matches the birth date or age of a person on the
1537 official register with a substantially similar name, ~~[:and]~~

1538 ~~[(ii) the signer's signature appears substantially similar to the signature on the statewide~~
1539 ~~voter registration database of the person described in Subsection (2)(c)(i).]~~

1540 (d) If a signature is not declared valid under Subsection (2)(a), (b), or (c), the county
1541 clerk shall declare the signature to be invalid.

1608 Section 20. Section **20A-8-103** is amended to read:

1609 **20A-8-103. Petition procedures.**

1610 (1) As used in this section, the proposed name or emblem of a registered political party
1611 is "distinguishable" if a reasonable person of average intelligence will be able to perceive a
1612 difference between the proposed name or emblem and any name or emblem currently being
1613 used by another registered political party.

1614 (2) To become a registered political party, an organization of registered voters that is
1615 not a continuing political party shall:

1616 (a) circulate a petition seeking registered political party status beginning no earlier than
1617 the date of the statewide canvass held after the last regular general election and ending no later
1618 than the February 15 of the year in which the next regular general election will be held; and

1619 (b) file a petition with the lieutenant governor that is signed~~[-with a holographic~~
1620 ~~signature,]~~ by at least 2,000 registered voters on or before February 15 of the year in which a
1621 regular general election will be held.

1622 (3) The petition shall:
1623 (a) state that the signers are or desire to become members of the designated party or
1624 group;
1625 (b) state the name, which may not exceed four words, and identify the emblem of the
1626 party or group;
1627 (c) state the process that the organization will follow to organize and adopt a
1628 constitution and bylaws; and
1629 (d) be signed by a filing officer, who agrees to receive communications on behalf of the
1630 organization.
1631 (4) The lieutenant governor shall:
1632 (a) determine whether the required number of voters appears on the petition;
1633 (b) review the proposed name and emblem to determine if they are "distinguishable"
1634 from the names and emblems of other registered political parties; and
1635 (c) certify the lieutenant governor's findings to the filing officer of the group
1636 within 30 days of the filing of the petition.
1637 (5) (a) If the lieutenant governor determines that the petition meets the requirements of
1638 this section, and that the proposed name and emblem are distinguishable, he shall authorize the
1639 filing officer to organize the prospective political party.
1640 (b) If the lieutenant governor finds that the name, emblem, or both are not
1641 distinguishable from the names and emblems of other registered political parties, the lieutenant
1642 governor shall notify the filing officer that the filing officer has seven days to submit a
1643 new name or emblem to the lieutenant governor.
1644 (6) A registered political party may not change its name or emblem during the regular
1645 general election cycle.

1646 Section 21. Section **20A-9-203** is amended to read:

1647 **20A-9-203. Declarations of candidacy -- Municipal general elections.**

1648 (1) (a) (i) A person may become a candidate for any municipal office if:
1649 (A) the person is a registered voter; and
1650 (B) (I) the person has resided within the municipality in which that person seeks to
1651 hold elective office for the 12 consecutive months immediately before the date of the election;
1652 or
1653 (II) if the territory in which the person resides was annexed into the municipality, the
1654 person has resided within the annexed territory or the municipality the 12 consecutive months
1655 immediately before the date of the election.
1656 (ii) For purposes of determining whether a person meets the residency requirement of

1657 Subsection (1)(a)(i)(B)(I) in a municipality that was incorporated less than 12 months before
1658 the election, the municipality shall be considered to have been incorporated 12 months before
1659 the date of the election.

1660 (b) In addition to the requirements of Subsection (1)(a), each candidate for a municipal
1661 council position shall, if elected from a district, be a resident of the council district from which
1662 elected.

1663 (c) In accordance with Utah Constitution Article IV, Section 6, any mentally
1664 incompetent person, any person convicted of a felony, or any person convicted of treason or a
1665 crime against the elective franchise may not hold office in this state until the right to hold
1666 elective office is restored under Section 20A-2-101.5.

1667 (2) (a) Except as provided in Subsection (2)(b) or (2)(c), each person seeking to
1668 become a candidate for a municipal office shall:

1669 (i) file a declaration of candidacy, in person with the city recorder or town clerk, during
1670 office hours and not later than the close of normal office hours, between July 1 and July 15 of
1671 any odd numbered year; and

1672 (ii) pay the filing fee, if one is required by municipal ordinance.

1673 (b) (i) As used in this Subsection (2)(b), "registered voters" means the number of
1674 persons registered to vote in the municipality on the January 1 of the municipal election year.

1675 (ii) A third, fourth, or fifth class city that used the convention system to nominate
1676 candidates in the last municipal election as authorized by Subsection 20A-9-404(3) or used the
1677 process contained in this Subsection (2)(b) in the last municipal election or a town that used the
1678 convention system to nominate candidates in the last municipal election as authorized by
1679 Subsection 20A-9-404(3) or used the process contained in this Subsection (2)(b) in the last
1680 municipal election may, by ordinance, require, in lieu of the convention system, that candidates
1681 for municipal office file a nominating petition signed by a percentage of registered voters at the
1682 same time that the candidate files a declaration of candidacy.

1683 (iii) The ordinance shall specify the number of [holographic] signatures that the
1684 candidate must obtain on the nominating petition in order to become a candidate for municipal
1685 office under this Subsection (2), but that number may not exceed 5% of registered voters.

1686 (c) Any resident of a municipality may nominate a candidate for a municipal office by:

1687 (i) filing a nomination petition with the city recorder or town clerk during office hours,
1688 but not later than the close of normal office hours, between July 1 and July 15 of any
1689 odd-numbered year; and

1690 (ii) paying the filing fee, if one is required by municipal ordinance.

1691 (3) (a) Before the filing officer may accept any declaration of candidacy or nomination

1692 petition, the filing officer shall:

1693 (i) read to the prospective candidate or person filing the petition the constitutional and
1694 statutory qualification requirements for the office that the candidate is seeking; and

1695 (ii) require the candidate or person filing the petition to state whether ~~or not~~ the
1696 candidate meets those requirements.

1697 (b) If the prospective candidate does not meet the qualification requirements for the
1698 office, the filing officer may not accept the declaration of candidacy or nomination petition.

1699 (c) If it appears that the prospective candidate meets the requirements of candidacy, the
1700 filing officer shall:

1701 (i) inform the candidate that the candidate's name will appear on the ballot as it is
1702 written on the declaration of candidacy;

1703 (ii) provide the candidate with a copy of the current campaign financial disclosure laws
1704 for the office the candidate is seeking and inform the candidate that failure to comply will
1705 result in disqualification as a candidate and removal of the candidate's name from the ballot;

1706 (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide
1707 Electronic Voter Information Website Program and inform the candidate of the submission
1708 deadline under Subsection 20A-7-801(4)(a);

1709 (iv) provide the candidate with a copy of the pledge of fair campaign practices
1710 described under Section 20A-9-206 and inform the candidate that:

1711 (A) signing the pledge is voluntary; and

1712 (B) signed pledges shall be filed with the filing officer; and

1713 (v) accept the declaration of candidacy or nomination petition.

1714 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing
1715 officer shall:

1716 (i) accept the candidate's pledge; and

1717 (ii) if the candidate has filed for a partisan office, provide a certified copy of the
1718 candidate's pledge to the chair of the county or state political party of which the candidate is a
1719 member.

1720 (4) The declaration of candidacy shall substantially comply with the following form:

1721 "I, (print name) ____, being first sworn, say that I reside at ____ Street, City of ____,
1722 County of ____, state of Utah, Zip Code ____, Telephone Number (if any) ____; that I am a
1723 registered voter; and that I am a candidate for the office of ____ (stating the term). I will meet
1724 the legal qualifications required of candidates for this office. I will file all campaign financial
1725 disclosure reports as required by law and I understand that failure to do so will result in my
1726 disqualification as a candidate for this office and removal of my name from the ballot. I

1727 request that my name be printed upon the applicable official ballots. (Signed)

1728 _____

1729 Subscribed and sworn to (or affirmed) before me by ____ on this

1730 _____(month\day\year).

1731 (Signed) _____ (Clerk or other officer qualified to administer oath)"

1732 (5) (a) In all first and second class cities, and in third, fourth, or fifth class cities that

1733 have not passed the ordinance authorized by Subsection (2)(b) and in towns that have not

1734 passed the ordinance authorized by Subsection (2)(b), any registered voter may be nominated

1735 for municipal office by submitting a petition signed, with a holographic signature, by:

1736 (i) 25 residents of the municipality who are at least 18 years old; or

1737 (ii) 20% of the residents of the municipality who are at least 18 years old.

1738 (b) (i) The petition shall substantially conform to the following form:

1739 "NOMINATION PETITION

1740 The undersigned residents of (name of municipality) being 18 years old or older

1741 nominate (name of nominee) to the office of ____ for the (two or four-year term, whichever is

1742 applicable)."

1743 (ii) The remainder of the petition shall contain lines and columns for the signatures of

1744 persons signing the petition and their addresses and telephone numbers.

1745 (6) (a) In third, fourth, and fifth class cities that have passed the ordinance authorized

1746 by Subsection (2)(b), and in towns that have passed the ordinance authorized by Subsection

1747 (2)(b), any registered voter may be nominated for municipal office by submitting a petition

1748 signed~~[, with a holographic signature,]~~ by the same percentage of registered voters in the

1749 municipality as required by the ordinance passed under authority of Subsection (2)(b).

1750 (b) (i) The petition shall substantially conform to the following form:

1751 "NOMINATION PETITION

1752 The undersigned residents of (name of municipality) being 18 years old or older

1753 nominate (name of nominee) to the office of (name of office) for the (two or four-year term,

1754 whichever is applicable)."

1755 (ii) The remainder of the petition shall contain lines and columns for the [holographic]

1756 signatures of persons signing the petition and their addresses and telephone numbers.

1757 (7) If the declaration of candidacy or nomination petition fails to state whether the

1758 nomination is for the two or four-year term, the clerk shall consider the nomination to be for

1759 the four-year term.

1760 (8) (a) The clerk shall verify with the county clerk that all candidates are registered

1761 voters.

(b) Any candidate who is not registered to vote is disqualified and the clerk may not print the candidate's name on the ballot.

(9) Immediately after expiration of the period for filing a declaration of candidacy, the clerk shall:

(a) cause the names of the candidates as they will appear on the ballot to be publish:

(i) in at least two successive publications of a newspaper with general circulation in the municipality; and

(ii) as required in Section 45-1-101; and

(b) notify the lieutenant governor of the names of the candidates as they will appear on the ballot.

(10) A declaration of candidacy or nomination petition filed under this section may not be amended after the expiration of the period for filing a declaration of candidacy.

(11) (a) A declaration of candidacy or nomination petition filed under this section is valid unless a written objection is filed with the clerk within five days after the last day for filing.

(b) If an objection is made, the clerk shall:

(i) mail or personally deliver notice of the objection to the affected candidate immediately; and

(ii) decide any objection within 48 hours after it is filed.

(c) If the clerk sustains the objection, the candidate may correct the problem by amending the declaration or petition within three days after the objection is sustained or by filing a new declaration within three days after the objection is sustained.

(d) (i) The clerk's decision upon objections to form is final.

(ii) The clerk's decision upon substantive matters is reviewable by a district court if prompt application is made to the district court.

(iii) The decision of the district court is final unless the Supreme Court, in the exercise of its discretion, agrees to review the lower court decision.

(12) Any person who filed a declaration of candidacy and was nominated, and any person who was nominated by a nomination petition, may, any time up to 23 days before the election, withdraw the nomination by filing a written affidavit with the clerk.

Section 22. Section **20A-9-404** is amended to read:

20A-9-404. Municipal primary elections.

(1) (a) Except as otherwise provided in this section, candidates for municipal office in all municipalities shall be nominated at a municipal primary election.

(b) Municipal primary elections shall be held:

1797 (i) consistent with Section 20A-1-201.5, on the second Tuesday following the first
1798 Monday in the September before the regular municipal election; and
1799 (ii) whenever possible, at the same polling places as the regular municipal election.

1800 (2) If the number of candidates for a particular municipal office does not exceed twice
1801 the number of persons needed to fill that office, a primary election for that office may not be
1802 held and the candidates are considered nominated.

1803 (3) (a) For purposes of this Subsection (3), "convention" means an organized assembly
1804 of voters or delegates.

1805 (b) (i) By ordinance adopted before the June 1 that falls before a regular municipal
1806 election, any third, fourth, or fifth class city or town may exempt itself from a primary election
1807 by providing that the nomination of candidates for municipal office to be voted upon at a
1808 municipal election be nominated by a political party convention or committee.

1809 (ii) Any primary election exemption ordinance adopted under the authority of this
1810 subsection remains in effect until repealed by ordinance.

1811 (c) (i) A convention or committee may not nominate more than one group of
1812 candidates or have placed on the ballot more than one group of candidates for the municipal
1813 offices to be voted upon at the municipal election.

1814 (ii) A convention or committee may nominate a person who has been nominated by a
1815 different convention or committee.

1816 (iii) A political party may not have more than one group of candidates placed upon the
1817 ballot and may not group the same candidates on different tickets by the same party under a
1818 different name or emblem.

1819 (d) (i) The convention or committee shall prepare a certificate of nomination for each
1820 person nominated.

1821 (ii) The certificate of nomination shall:

1822 (A) contain the name of the office for which each person is nominated, the name, post
1823 office address, and, if in a city, the street number of residence and place of business, if any, of
1824 each person nominated;

1825 (B) designate in not more than five words the political party that the convention or
1826 committee represents;

1827 (C) contain a copy of the resolution passed at the convention that authorized the
1828 committee to make the nomination;

1829 (D) contain a statement certifying that the name of the candidate nominated by the
1830 political party will not appear on the ballot as a candidate for any other political party;

1831 (E) be signed by the presiding officer and secretary of the convention or committee;

1832 and

1833 (F) contain a statement identifying the residence and post office address of the
1834 presiding officer and secretary and certifying that the presiding officer and secretary were
1835 officers of the convention or committee and that the certificates are true to the best of their
1836 knowledge and belief.

1837 (iii) Certificates of nomination shall be filed with the clerk not later than the sixth
1838 Tuesday before the November municipal election.

1839 (e) A committee appointed at a convention, if authorized by an enabling resolution,
1840 may also make nominations or fill vacancies in nominations made at a convention.

1841 (f) The election ballot shall substantially comply with the form prescribed in Title 20A,
1842 Chapter 6, Part 4, Ballot Form Requirements for Municipal Elections, but the party name shall
1843 be included with the candidate's name.

1844 (4) (a) Any third, fourth, or fifth class city may adopt an ordinance before the June 1
1845 that falls before the regular municipal election that:

1846 (i) exempts the city from the other methods of nominating candidates to municipal
1847 office provided in this section; and

1848 (ii) provides for a partisan primary election method of nominating candidates as
1849 provided in this Subsection (4).

1850 (b) (i) Any party that was a registered political party at the last regular general election
1851 or regular municipal election is a municipal political party under this section.

1852 (ii) Any political party may qualify as a municipal political party by presenting a
1853 petition to the city recorder that:

1854 (A) is signed~~[, with a holographic signature,]~~ by registered voters within the municipality
1855 equal to at least 20% of the number of votes cast for all candidates for mayor in the last
1856 municipal election at which a mayor was elected;

1857 (B) is filed with the city recorder by the seventh Tuesday before the date of the
1858 municipal primary election;

1859 (C) is substantially similar to the form of the signature sheets described in Section
1860 20A-7-303; and

1861 (D) contains the name of the municipal political party using not more than five words.

1862 (c) (i) If the number of candidates for a particular office does not exceed twice the
1863 number of offices to be filled at the regular municipal election, no partisan primary election for
1864 that office shall be held and the candidates are considered to be nominated.

1865 (ii) If the number of candidates for a particular office exceeds twice the number of
1866 offices to be filled at the regular municipal election, those candidates for municipal office shall

1867 be nominated at a partisan primary election.

1868 (d) The clerk shall ensure that:

1869 (i) the partisan municipal primary ballot is similar to the ballot forms required by
1870 Sections 20A-6-401 and 20A-6-401.1;

1871 (ii) the candidates for each municipal political party are listed in one or more columns
1872 under their party name and emblem;

1873 (iii) the names of candidates of all parties are printed on the same ballot, but under
1874 their party designation;

1875 (iv) every ballot is folded and perforated so as to separate the candidates of one party
1876 from those of the other parties and so as to enable the elector to separate the part of the ballot
1877 containing the names of the party of his choice from the remainder of the ballot; and

1878 (v) the side edges of all ballots are perforated so that the outside sections of the ballots,
1879 when detached, are similar in appearance to inside sections when detached.

1880 (e) After marking a municipal primary ballot, the voter shall:

1881 (i) detach the part of the ballot containing the names of the candidates of the party he
1882 has voted from the rest of the ballot;

1883 (ii) fold the detached part so that its face is concealed and deposit it in the ballot box;
1884 and

1885 (iii) fold the remainder of the ballot containing the names of the candidates of the
1886 parties for whom the elector did not vote and deposit it in the blank ballot box.

1887 (f) Immediately after the canvass, the election judges shall, without examination,
1888 destroy the tickets deposited in the blank ballot box.

1889 Section 23. Section **20A-9-502** is amended to read:

1890 **20A-9-502. Certificate of nomination -- Contents -- Circulation -- Verification.**

1891 (1) The candidate shall:

1892 (a) prepare a certificate of nomination in substantially the following form:

1893 "State of Utah, County of _____

1894 I, _____, declare my intention of becoming an unaffiliated candidate for the
1895 political group designated as _____ for the office of _____. I do solemnly swear that I can
1896 qualify to hold that office both legally and constitutionally if selected, and that I reside at _____
1897 Street, in the city of _____, county of _____, state of Utah, zip code _____, phone _____, and that I
1898 am providing, or have provided, the required number of [holographic] signatures of registered
1899 voters required by law; that as a candidate at the next election I will not knowingly violate any
1900 election or campaign law; I will file all campaign financial disclosure reports as required by
1901 law; and I understand that failure to do so will result in my disqualification as a candidate for

1902 this office and removal of my name from the ballot.

1903

1904 Subscribed and sworn to before me this _____ (month\day\year).

1905

1906 Notary Public (or other officer

1907 qualified to administer oaths)"; and

1908 (b) attach signature sheets to the certificate that contain a place for the registered

1909 voter's [holographic] signature, a place for the registered voter to print the registered voter's

1910 name, and a place for the registered voter's address.

1911 (2) (a) The candidate shall circulate the nomination petition and submit it to the county
1912 clerk for certification when the petition has been completed by:

1913 (i) at least 1,000 registered voters residing within the state when the nomination is for
1914 an office to be filled by the voters of the entire state; or

1915 (ii) at least 300 registered voters residing within a political division or at least 5% of
1916 the registered voters residing within a political division, whichever is less, when the
1917 nomination is for an office to be filled by the voters of any political division smaller than the
1918 state.

1919 (b) In reviewing the petition, the county clerk shall count and certify only those persons
1920 who signed the petition [~~with a holographic signature~~] who:

1921 (i) are registered voters within the political division that the candidate seeks to
1922 represent; and

1923 (ii) did not sign any other certificate of nomination for that office.

1924 (c) The candidate may supplement or amend the certificate of nomination at any time
1925 on or before the filing deadline.

1926 Section 24. Section 20A-11-103 is amended to read:

1927 **20A-11-103. Notice of pending interim and summary reports -- Form of**
1928 **submission -- Public availability.**

1929 (1) (a) Except as provided under Subsection (1)(b), 10 days before an interim report or
1930 summary report is due under this chapter or Chapter 12, Part 2, Judicial Retention Elections,
1931 the chief election officer shall inform the filing entity by postal mail or, if requested by the
1932 filing entity, by electronic mail:

1933 (i) that the financial statement is due;

1934 (ii) of the date that the financial statement is due; and

1935 (iii) of the penalty for failing to file the financial statement.

1936 (b) Notwithstanding the provisions of Subsection (1)(a), under this section the chief

1937 election officer is not required to provide notice:

1938 (i) to a candidate or political party of the financial statement that is due before the
1939 candidate's political convention;

1940 (ii) of a financial statement due in connection with a public hearing for an initiative
1941 under the requirements of Section 20A-7-204.1; or

1942 (iii) to a corporation or labor organization, as defined in Section 20A-11-1501.

1943 (2) A filing entity shall electronically file a financial statement via electronic mail or
1944 the Internet according to specifications established by the chief election officer.

1945 (3) (a) A financial statement is considered timely filed if it is received by the chief
1946 election officer's office before the close of regular office hours on the date that it is due.

1947 ~~[(b) A chief election officer may extend the time in which a filing entity is required to~~
1948 ~~file a financial statement if a filing entity notifies the chief election officer of the existence of~~
1949 ~~an extenuating circumstance that is outside the control of the filing entity.]~~

1950 (4) Notwithstanding any provision of Title 63G, Chapter 2, Government Records
1951 Access and Management Act, the lieutenant governor shall:

1952 (a) make each campaign finance statement filed by a candidate available for public
1953 inspection and copying no later than one business day after the statement is filed; and

1954 (b) post an electronic copy or the contents of each financial statement in a searchable
1955 format on a website established by the lieutenant governor:

1956 (i) for campaign finance statements submitted to the lieutenant governor under the
1957 requirements of Section 10-3-208 or Section 17-16-6.5, no later than seven business days after
1958 the date of receipt of the campaign finance statement; or

1959 (ii) for a summary report or interim report filed under the requirements of this chapter
1960 or Chapter 12, Part 2, Judicial Retention Elections, no later than three business days after the
1961 date the statement is electronically filed.

1962 (5) If a municipality, under Section 10-3-208, or a county, under Section 17-16-6.5,
1963 elects to provide campaign finance disclosure on its own website, rather than through the
1964 lieutenant governor, the website established by the lieutenant governor shall contain a link or
1965 other access point to the municipality or county website.

